

In subsection (b), the words “or national emergency” are omitted, since the words of the source statute defining that term have been substituted for it.

In subsection (c), the words “(relating to bonds from armed vessels on clearing)” are omitted as surplusage.

PRIOR PROVISIONS

A prior section 261 was renumbered section 241 of this title.

Another prior section 261, act Aug. 10, 1956, ch. 1041, 70A Stat. 10, which named the reserve components of the armed forces, was repealed by Pub. L. 103-337, div. A, title XVI, §§ 1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See sections 10101 and 10213 of this title.

Prior sections 262 to 265 were repealed by Pub. L. 103-337, div. A, title XVI, §§ 1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994.

Section 262, acts Aug. 10, 1956, ch. 1041, 70A Stat. 10; Dec. 1, 1967, Pub. L. 90-168, § 2(5), 81 Stat. 521, related to purpose of reserve components. See section 10102 of this title.

Section 263, act Aug. 10, 1956, ch. 1041, 70A Stat. 11, related to basic policy for ordering Army National Guard of the United States and Air National Guard of the United States into Federal service. See section 10103 of this title.

Section 264, acts Aug. 10, 1956, ch. 1041, 70A Stat. 11; Dec. 1, 1967, Pub. L. 90-168, § 2(6), 81 Stat. 521; Nov. 19, 1969, Pub. L. 91-121, title III, § 303, 83 Stat. 206; Oct. 20, 1978, Pub. L. 95-485, title IV, § 406(a), 92 Stat. 1616; Oct. 19, 1984, Pub. L. 98-525, title XIV, § 1405(7)(A), (B), 98 Stat. 2622, authorized Secretaries of each armed force to designate officers to be responsible for reserve affairs and assigned responsibility for providing personnel and logistic support for reserves. See sections 10203 and 18501 of this title.

Section 265, act Aug. 10, 1956, ch. 1041, 70A Stat. 11, related to participation of reserve officers in preparation and administration of policies and regulations affecting reserve components. See section 10211 of this title.

Prior section 266 was renumbered section 12643 of this title.

Prior sections 267 to 270 were repealed by Pub. L. 103-337, div. A, title XVI, §§ 1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994.

Section 267, act Aug. 10, 1956, ch. 1041, 70A Stat. 12, related to placement and status of members of Ready Reserve, Standby Reserve, and Retired Reserve. See section 10141(a), (b) of this title.

Section 268, acts Aug. 10, 1956, ch. 1041, 70A Stat. 12; Sept. 2, 1958, Pub. L. 85-861, § 1(3), 72 Stat. 1437; Dec. 1, 1967, Pub. L. 90-168, § 2(8), 81 Stat. 522; Oct. 12, 1982, Pub. L. 97-295, § 1(5), 96 Stat. 1289, related to composition, organization, and structure of Ready Reserve. See sections 10142 and 10143 of this title.

Section 269, acts Aug. 10, 1956, ch. 1041, 70A Stat. 12; Sept. 2, 1958, Pub. L. 85-861, § 1(4), 72 Stat. 1437; June 30, 1960, Pub. L. 86-559, § 1(2)(A), 74 Stat. 264; Dec. 1, 1967, Pub. L. 90-168, § 2(9), 81 Stat. 522; Oct. 20, 1978, Pub. L. 95-485, title IV, § 405(a)(1), 92 Stat. 1615; Sept. 24, 1983, Pub. L. 98-94, title X, § 1018, 97 Stat. 669; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to placement in and transfer from Ready Reserve. See sections 10145 and 10146 of this title.

Section 270, added Pub. L. 85-861, § 1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 87-378, § 2, Oct. 4, 1961, 75 Stat. 807; Pub. L. 88-110, § 4, Sept. 3, 1963, 77 Stat. 136; Pub. L. 90-168, § 2(10), Dec. 1, 1967, 81 Stat. 523; Pub. L. 92-156, title III, § 303(a), Nov. 17, 1971, 85 Stat. 425; Pub. L. 96-513, title V, § 511(7), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 100-456, div. A, title XII, § 1234(a)(2), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 101-189, div. A, title V, § 501(b), Nov. 29, 1989, 103 Stat. 1435, related to training requirements of Ready Reserve. See sections 10147 and 10148 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 351 of this title as this section.

1980—Subsec. (c). Pub. L. 96-513 substituted “Section 16 of the Act of March 4, 1909 (22 U.S.C. 463)” for “Section 463 of title 22”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

CHAPTER 15—MILITARY SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES

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284. | Use of information collected during military operations.
Use of military equipment and facilities.
Training and advising civilian law enforcement officials.
Maintenance and operation of equipment.
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Support not to affect adversely military preparedness.
Reimbursement.
Nonpreemption of other law.
Assignment of Coast Guard personnel to naval vessels for law enforcement purposes.
Enhancement of cooperation with civilian law enforcement officials.
Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.
Emergency situations involving weapons of mass destruction.
Situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities.
Support for counterdrug activities and activities to counter transnational organized crime. |
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PRIOR PROVISIONS

A prior chapter 15, consisting of sections 331 to 335, was renumbered chapter 13, and sections 331 to 335 were renumbered sections 251 to 255, respectively.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title X, § 1011(a)(2), title XII, § 1241(a)(1), (o)(2), Dec. 23, 2016, 130 Stat. 2385, 2497, 2512, added item 384, renumbered chapter 18 of this title “MILITARY SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES” as chapter 15, redesignated item 371 “Use of information collected during military operations” as item 271, redesignated item 372 “Use of military equipment and facilities” as item 272, redesignated item 373 “Training and advising civilian law enforcement officials” as item 273, redesignated item 374 “Maintenance and operation of equipment” as item 274, redesignated item 375 “Restriction on direct participation by military personnel” as item 275, redesignated item 376 “Support not to affect adversely military preparedness” as item 276, redesignated item 377 “Reimbursement” as item 277, redesignated item 378 “Nonpreemption of other law” as item 278, redesignated item 379 “Assignment of Coast Guard personnel to naval vessels for law enforcement purposes” as item 279, redesignated item 380 “Enhancement of cooperation with civilian law enforcement officials” as item 280, redesignated item 381 “Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities” as item 281, redesignated item 382 “Emergency situations involving weapons of mass destruction” as item 282, redesignated item 383 “Situations involving bombings of places of public use, Government facilities, public

transportation systems, and infrastructure facilities” as item 283, and redesignated item 384 “Support for counterdrug activities and activities to counter transnational organized crime” as item 284.

2015—Pub. L. 114-92, div. A, title X, §1082(b), Nov. 25, 2015, 129 Stat. 1003, added item 383.

2011—Pub. L. 111-383, div. A, title X, §1075(b)(10)(C), Jan. 7, 2011, 124 Stat. 4369, added item 382 and struck out former item 382 “Emergency situations involving chemical or biological weapons of mass destruction”.

2008—Pub. L. 110-417, [div. A], title VIII, §885(b)(2), Oct. 14, 2008, 122 Stat. 4561, added item 381 and struck out former item 381 “Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense”.

1996—Pub. L. 104-201, div. A, title XIV, §1416(a)(2), Sept. 23, 1996, 110 Stat. 2723, added item 382.

1993—Pub. L. 103-160, div. A, title XI, §1122(a)(2), Nov. 30, 1993, 107 Stat. 1755, added item 381.

1989—Pub. L. 101-189, div. A, title XII, §1216(a), Nov. 29, 1989, 103 Stat. 1569, in chapter heading substituted “18” for “8”.

1988—Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043, amended chapter analysis generally substituting, in chapter heading “CHAPTER 8—MILITARY SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES” for “CHAPTER 18—MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS”, in item 374 “Maintenance and operation of equipment” for “Assistance by Department of Defense personnel”, in item 376 “Support not to affect adversely military preparedness” for “Assistance not to affect adversely military preparedness” and in item 380 “Enhancement of cooperation with civilian law enforcement officials” for “Department of Defense drug law enforcement assistance: annual plan”.

1987—Pub. L. 100-180, div. A, title XII, §1243(b), Dec. 4, 1987, 101 Stat. 1164, added item 380.

1986—Pub. L. 99-570, title III, §3053(b)(2), Oct. 27, 1986, 100 Stat. 3207-76, added item 379.

DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE ASSISTANCE TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES

Pub. L. 114-92, div. A, title X, §1059, Nov. 25, 2015, 129 Stat. 986, as amended by Pub. L. 116-283, div. A, title X, §1056(a), (b), Jan. 1, 2021, 134 Stat. 3855, which authorized Department of Defense to provide assistance to secure the southern land border of the United States, was transferred by Pub. L. 116-283, div. A, title X, §1056(c), Jan. 1, 2021, 134 Stat. 3856, and is set out as a note under section 284 of this title.

§ 271. Use of information collected during military operations

(a) The Secretary of Defense may, in accordance with other applicable law, provide to Federal, State, or local civilian law enforcement officials any information collected during the normal course of military training or operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials.

(b) The needs of civilian law enforcement officials for information shall, to the maximum extent practicable, be taken into account in the planning and execution of military training or operations.

(c) The Secretary of Defense shall ensure, to the extent consistent with national security, that intelligence information held by the Department of Defense and relevant to drug interdiction or other civilian law enforcement matters is provided promptly to appropriate civilian law enforcement officials.

(Added Pub. L. 97-86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1115, §371; amended Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043; renumbered §271, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 271, added Pub. L. 85-861, §1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 95-485, title IV, §405(b), Oct. 20, 1978, 92 Stat. 1615, related to system of continuous screening of units and members of Ready Reserve, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10149 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 371 of this title as this section.

1988—Pub. L. 100-456 amended section generally, designating existing provisions as subsec. (a), inserting reference to military training, and adding subsecs. (b) and (c).

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-570, title III, §3051, Oct. 27, 1986, 100 Stat. 3207-74, provided that: “This subtitle [subtitle A (§§3051-3059) of title III of Pub. L. 99-570, enacting section 379 of this title, amending sections 374 and 911 of this title, enacting provisions set out as notes under sections 374, 525, and 9441 of this title, and repealing provisions set out as a note under section 89 of Title 14, Coast Guard] may be cited as the ‘Defense Drug Interdiction Assistance Act.’”

ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE

Pub. L. 114-328, div. A, title X, §1014, Dec. 23, 2016, 130 Stat. 2386, as amended by Pub. L. 116-92, div. A, title X, §1053, Dec. 20, 2019, 133 Stat. 1591, provided that:

“(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing of military training by the Department of Defense.

“(b) FORMAL MECHANISM OF NOTIFICATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Homeland Security, in coordination with the Secretary of Defense, shall establish a formal mechanism through which the information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the international borders of the United States are identified and communicated to the Secretary of Defense for the purposes of the planning and executing military training by the Department of Defense.

“(2) DISSEMINATION TO THE ARMED FORCES.—To the extent practicable, the Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so the Armed Forces may take into account the information needs of civilian law enforcement when planning and executing training in accordance with section 271 of title 10, United States Code.

“(3) COORDINATION OF TRAINING.—To the maximum extent practicable, the Secretary of Defense shall ensure that the planning and execution of training described in paragraph (2) is coordinated with the Department of Homeland Security.

“(c) SHARING OF CERTAIN INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly formulate guidance to

ensure that the information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the international borders of the United States is provided promptly to relevant officials in accordance with section 271 of title 10, United States Code.

“(d) ANNUAL REPORTS.—

“(1) DEPARTMENT OF DEFENSE REPORT.—

“(A) IN GENERAL.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on any assistance provided by the Department of Defense to the border security mission of the Department of Homeland Security at the international borders of the United States during the fiscal year preceding the fiscal year during which the report is submitted.

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include each of the following:

“(i) A description of the military training and operational activities of each military component leveraged, pursuant to section 271 of title 10, United States Code, to support the border security mission of the Department of Homeland Security at the southern border of the United States.

“(ii) For each activity described in clause (i), each of the following, identified by component:

“(I) The Department of Homeland Security information need that was supported.

“(II) The military training or operational activity leveraged to provide support.

“(III) The duration of the support.

“(IV) The cost of the support.

“(iii) A description of any Department of Defense activities provided in response to a request for assistance from the Department of Homeland Security.

“(iv) For each activity described in clause (iii)—

“(I) The stated rationale of the Department of Homeland Security for requesting assistance from the Department of Defense.

“(II) The capability provided by the Department of Defense.

“(III) The duration of the assistance provided by the capability.

“(IV) The statutory authority under which the assistance was provided.

“(V) The cost of the assistance provided.

“(VI) Whether the Department of Defense was reimbursed by the Department of Homeland Security for the assistance provided.

“(VII) In the case of assistance for which the Department of Defense was not reimbursed, the justification for non-reimbursement.

“(v) A description of any Department of Defense excess property provided to U. S. Customs and Border Protection.

“(vi) The status of the implementation of this section.

“(vii) A description of any other activity the Secretary of Defense determines relevant.

“(2) DEPARTMENT OF HOMELAND SECURITY REPORT.—

Not later than March 31 of each year, the Secretary of Homeland Security shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

“(A) any activities of the Department of Homeland Security to reduce, mitigate, or eliminate the

demand for Department of Defense support at the international borders of the United States; and

“(B) the status of implementation of this section.

“(3) TERMINATION.—The requirement to submit a report under paragraph (1) or (2) shall terminate on December 31, 2022.”

AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES

Pub. L. 108-136, div. A, title X, § 1022, Nov. 24, 2003, 117 Stat. 1594, as amended by Pub. L. 109-163, div. A, title X, § 1022, Jan. 6, 2006, 119 Stat. 3427; Pub. L. 110-181, div. A, title X, § 1021, Jan. 28, 2008, 122 Stat. 304; Pub. L. 110-417, [div. A], title X, § 1022, Oct. 14, 2008, 122 Stat. 4586; Pub. L. 111-84, div. A, title X, § 1012, Oct. 28, 2009, 123 Stat. 2441; Pub. L. 111-383, div. A, title X, § 1012(a)-(b)(2), Jan. 7, 2011, 124 Stat. 4346, 4347; Pub. L. 112-81, div. A, title X, § 1004(a), Dec. 31, 2011, 125 Stat. 1556; Pub. L. 112-239, div. A, title X, § 1011, Jan. 2, 2013, 126 Stat. 1907; Pub. L. 113-66, div. A, title X, § 1012, Dec. 26, 2013, 127 Stat. 844; Pub. L. 113-291, div. A, title X, § 1014, Dec. 19, 2014, 128 Stat. 3484; Pub. L. 115-91, div. A, title X, § 1081(i), Dec. 12, 2017, 131 Stat. 1601; Pub. L. 116-92, div. A, title X, § 1022, Dec. 20, 2019, 133 Stat. 1578, provided that:

“(a) AUTHORITY.—A joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, subject to all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism activities or counter-transnational organized crime activities.

“(b) AVAILABILITY OF FUNDS.—During fiscal years 2006 through 2022, funds for drug interdiction and counter-drug activities that are available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism or counter-transnational organized crime support authorized by subsection (a).

“(c) ANNUAL REPORT.—Not later than December 31 of each year in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a report setting forth, for the one-year period ending on the date of such report, the following:

“(1) An assessment of the effect on counter-drug, counter-transnational organized crime, and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counter-terrorism or counter-transnational organized crime support authorized by subsection (a).

“(2) A description of the type of support and any recipient of support provided under subsection (a), and a description of the objectives of such support.

“(3) A list of current joint task forces exercising the authority under subsection (a).

“(4) A certification by the Secretary of Defense that any support provided under subsection (a) during such one-year period was provided in compliance with the requirements of subsection (d).

“(d) CONDITIONS.—(1) Any support provided under subsection (a) may only be provided in the geographic area of responsibility of the joint task force.

“(2)(A) Support for counter-terrorism or counter-transnational organized crime activities provided under subsection (a) may only be provided if the Secretary of Defense determines that the objectives of using the counter-drug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counter-drug activities by that joint task force or any other joint task force.

“(B) The Secretary of Defense may waive the requirements of subparagraph (A) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to the congressional defense committees notice in writing of any waiver issued under this subparagraph, together with a description of the vital

national security interests associated with the support covered by such waiver.

“(e) DEFINITIONS.—(1) In this section, the term ‘transnational organized crime’ has the meaning given such term in section 284(i) of title 10, United States Code.

“(2) For purposes of applying the definition of transnational organized crime under paragraph (1) to this section, the term ‘illegal means’, as it appears in such definition, includes the trafficking of money, human trafficking, illicit financial flows, illegal trade in natural resources and wildlife, trade in illegal drugs and weapons, and other forms of illegal means determined by the Secretary of Defense.”

[Pub. L. 112–81, div. A, title X, §1004(b), Dec. 31, 2011, 125 Stat. 1556, provided that: “The authority in section 1022 of the National Defense Authorization Act for Fiscal Year 2004 [Pub. L. 108–136, set out above], as amended by subsection (a), may not be exercised unless the Secretary of Defense certifies to Congress, in writing, that the Department of Defense is in compliance with the provisions of paragraph (2) of subsection (d) of such section, as added by section 1012(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4346).”]

§ 272. Use of military equipment and facilities

The Secretary of Defense may, in accordance with other applicable law, make available any equipment (including associated supplies or spare parts), base facility, or research facility of the Department of Defense to any Federal, State, or local civilian law enforcement official for law enforcement purposes.

(Added Pub. L. 97–86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1115, §372; amended Pub. L. 100–456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043; Pub. L. 104–106, div. A, title III, §378, Feb. 10, 1996, 110 Stat. 284; Pub. L. 104–201, div. A, title XIV, §1416(b), Sept. 23, 1996, 110 Stat. 2723; Pub. L. 112–239, div. A, title III, §351, Jan. 2, 2013, 126 Stat. 1701; renumbered §272, Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 272, added Pub. L. 85–861, §1(5)(A), Sept. 2, 1958, 72 Stat. 1438; amended Pub. L. 96–513, title V, §511(8), Dec. 12, 1980, 94 Stat. 2920, related to transfers back from Standby Reserve to Ready Reserve, prior to repeal by Pub. L. 103–337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10150 of this title.

AMENDMENTS

2016—Pub. L. 114–328 renumbered section 372 of this title as this section.

2013—Pub. L. 112–239 struck out “(a) IN GENERAL.—” before “The Secretary” and subsec. (b) which related to emergencies involving chemical and biological agents.

1996—Pub. L. 104–106 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Subsec. (b)(1). Pub. L. 104–201 inserted at end “The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.”

1988—Pub. L. 100–456 amended section generally, inserting “(including associated supplies or spare parts)” and substituting “Department of Defense” for “Army, Navy, Air Force, or Marine Corps”.

SUPPORT FOR NON-FEDERAL DEVELOPMENT AND TESTING OF MATERIAL FOR CHEMICAL AGENT DEFENSE

Pub. L. 110–181, div. A, title X, §1034, Jan. 28, 2008, 122 Stat. 308, as amended by Pub. L. 114–328, div. A, title X,

§1043, Dec. 23, 2016, 130 Stat. 2393; Pub. L. 115–232, div. A, title VIII, §813(b)(2), Aug. 13, 2018, 132 Stat. 1851, provided that:

“(a) AUTHORITY TO PROVIDE TOXIC CHEMICALS OR PRECURSORS.—

“(1) IN GENERAL.—The Secretary of Defense, in coordination with the heads of other elements of the Federal Government, may make available, to a State, a unit of local government, or a private entity incorporated in the United States, small quantities of a toxic chemical or precursor for the development or testing, in the United States, of material that is designed to be used for protective purposes.

“(2) TERMS AND CONDITIONS.—Any use of the authority under paragraph (1) shall be subject to such terms and conditions as the Secretary considers appropriate.

“(b) PAYMENT OF COSTS AND DISPOSITION OF FUNDS.—

“(1) IN GENERAL.—The Secretary shall ensure, through the advance payment required by paragraph (2) and through any other payments that may be required, that a recipient of toxic chemicals or precursors under subsection (a) pays for all actual costs, including direct and indirect costs, associated with providing the toxic chemicals or precursors.

“(2) ADVANCE PAYMENT.—In carrying out paragraph (1), the Secretary shall require each recipient to make an advance payment in an amount that the Secretary determines will equal all such actual costs.

“(3) CREDITS.—A payment received under this subsection shall be credited to the account that was used to cover the costs for which the payment was provided. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

“(c) CHEMICAL WEAPONS CONVENTION.—The Secretary shall ensure that toxic chemicals and precursors are made available under this section for uses and in quantities that comply with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, signed at Paris on January 13, 1993, and entered into force with respect to the United States on April 29, 1997.

“(d) DEFINITIONS.—In this section:

“(1) The terms ‘precursor’, ‘protective purposes’, and ‘toxic chemical’ have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.

“(2) The term ‘biological select agent or toxin’ means any agent or toxin identified under any of the following:

“(A) Section 331.3 of title 7, Code of Federal Regulations.

“(B) Section 121.3 or section 121.4 of title 9, Code of Federal Regulations.

“(C) Section 73.3 or section 73.4 of title 42, Code of Federal Regulations.”

§ 273. Training and advising civilian law enforcement officials

The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available—

(1) to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment, including equipment made available under section 372¹ of this title; and

(2) to provide such law enforcement officials with expert advice relevant to the purposes of this chapter.

¹ See References in Text note below.

(Added Pub. L. 97–86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1115, §373; amended Pub. L. 99–145, title XIV, §1423(a), Nov. 8, 1985, 99 Stat. 752; Pub. L. 100–456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043; renumbered §273, Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

REFERENCES IN TEXT

Section 372 of this title, referred to in par. (1), was renumbered section 272 of this title by Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

PRIOR PROVISIONS

A prior section 273, act Aug. 10, 1956, ch. 1041, 70A Stat. 13, related to composition of Standby Reserve and maintenance of inactive status list in Standby Reserve, prior to repeal by Pub. L. 103–337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See sections 10151 to 10153 of this title.

AMENDMENTS

2016—Pub. L. 114–328 renumbered section 373 of this title as this section.

1988—Pub. L. 100–456 amended section generally, substituting provisions authorizing Secretary of Defense, in accordance with applicable law, to make Defense Department personnel available for training, etc., for former subsecs. (a) to (c) authorizing Secretary of Defense to assign members of Army, Navy, Air Force, and Marine Corps, etc., for training, etc., briefing sessions by Attorney General, and other functions of Attorney General and Administrator of General Services.

1985—Pub. L. 99–145 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–145, title XIV, §1423(b), Nov. 8, 1985, 99 Stat. 752, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1986.”

§ 274. Maintenance and operation of equipment

(a) The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available for the maintenance of equipment for Federal, State, and local civilian law enforcement officials, including equipment made available under section 372¹ of this title.

(b)(1) Subject to paragraph (2) and in accordance with other applicable law, the Secretary of Defense may, upon request from the head of a Federal law enforcement agency, make Department of Defense personnel available to operate equipment (including equipment made available under section 372¹ of this title) with respect to—

(A) a criminal violation of a provision of law specified in paragraph (4)(A);

(B) assistance that such agency is authorized to furnish to a State, local, or foreign government which is involved in the enforcement of similar laws;

(C) a foreign or domestic counter-terrorism operation; or

(D) a rendition of a suspected terrorist from a foreign country to the United States to stand trial.

(2) Department of Defense personnel made available to a civilian law enforcement agency

under this subsection may operate equipment for the following purposes:

(A) Detection, monitoring, and communication of the movement of air and sea traffic.

(B) Detection, monitoring, and communication of the movement of surface traffic outside of the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

(C) Aerial reconnaissance.

(D) Interception of vessels or aircraft detected outside the land area of the United States for the purposes of communicating with such vessels and aircraft to direct such vessels and aircraft to go to a location designated by appropriate civilian officials.

(E) Operation of equipment to facilitate communications in connection with law enforcement programs specified in paragraph (4)(A).

(F) Subject to joint approval by the Secretary of Defense and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)—

(i) the transportation of civilian law enforcement personnel along with any other civilian or military personnel who are supporting, or conducting, a joint operation with civilian law enforcement personnel;

(ii) the operation of a base of operations for civilian law enforcement and supporting personnel; and

(iii) the transportation of suspected terrorists from foreign countries to the United States for trial (so long as the requesting Federal law enforcement agency provides all security for such transportation and maintains custody over the suspect through the duration of the transportation).

(3) Department of Defense personnel made available to operate equipment for the purpose stated in paragraph (2)(D) may continue to operate such equipment into the land area of the United States in cases involving the pursuit of vessels or aircraft where the detection began outside such land area.

(4) In this subsection:

(A) The term “Federal law enforcement agency” means a Federal agency with jurisdiction to enforce any of the following:

(i) The Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.).

(ii) Any of sections 274 through 278 of the Immigration and Nationality Act (8 U.S.C. 1324–1328).

(iii) A law relating to the arrival or departure of merchandise (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) into or out of the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States) or any other territory or possession of the United States.

(iv) Chapter 705 of title 46.

(v) Any law, foreign or domestic, prohibiting terrorist activities.

(B) The term “land area of the United States” includes the land area of any terri-

¹ See References in Text note below.

tory, commonwealth, or possession of the United States.

(c) The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available to any Federal, State, or local civilian law enforcement agency to operate equipment for purposes other than described in subsection (b)(2) only to the extent that such support does not involve direct participation by such personnel in a civilian law enforcement operation unless such direct participation is otherwise authorized by law.

(Added Pub. L. 97-86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1115, §374; amended Pub. L. 98-525, title XIV, §1405(9), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 99-570, title III, §3056, Oct. 27, 1986, 100 Stat. 3207-77; Pub. L. 99-661, div. A, title XIII, §1373(c), Nov. 14, 1986, 100 Stat. 4007; Pub. L. 100-418, title I, §1214(a)(1), Aug. 23, 1988, 102 Stat. 1155; Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2043; Pub. L. 101-189, div. A, title XII, §§1210, 1216(b), (c), Nov. 29, 1989, 103 Stat. 1566, 1569; Pub. L. 102-484, div. A, title X, §1042, Oct. 23, 1992, 106 Stat. 2492; Pub. L. 105-277, div. B, title II, §201, Oct. 21, 1998, 112 Stat. 2681-567; Pub. L. 106-65, div. A, title X, §1066(a)(4), Oct. 5, 1999, 113 Stat. 770; Pub. L. 109-304, §17(a)(1), Oct. 6, 2006, 120 Stat. 1706; renumbered §274, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

REFERENCES IN TEXT

Section 372 of this title, referred to in subsecs. (a) and (b)(1), was renumbered section 272 of this title by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

The Controlled Substances Act, referred to in subsec. (b)(4)(A)(i), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (b)(4)(A)(i), is title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285, which is classified principally to subchapter II (§951 et seq.) of chapter 13 of Title 21. For complete classification of the Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(4)(A)(iii), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

PRIOR PROVISIONS

A prior section 274, acts Aug. 10, 1956, ch. 1041, 70A Stat. 13; June 30, 1960, Pub. L. 86-559, §1(2)(B), 74 Stat. 264; Dec. 12, 1980, Pub. L. 96-513, title V, §511(9), 94 Stat. 2920, related to composition of Retired Reserve, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10154 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 374 of this title as this section.

2006—Subsec. (b)(4)(A)(iv). Pub. L. 109-304 substituted “Chapter 705 of title 46” for “The Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)”.

1999—Subsec. (b)(1)(C), (D). Pub. L. 106-65, §1066(a)(4)(A), realigned margins.

Subsec. (b)(2)(F)(i). Pub. L. 106-65, §1066(a)(4)(B), struck out semicolon after “law enforcement personnel;”.

1998—Subsec. (b)(1)(C), (D). Pub. L. 105-277, §201(1), (2), added subpars. (C) and (D).

Subsec. (b)(2)(F)(i). Pub. L. 105-277, §201(3), inserted “along with any other civilian or military personnel who are supporting, or conducting, a joint operation with civilian law enforcement personnel;” after “transportation of civilian law enforcement personnel” and struck out “and” at end.

Subsec. (b)(2)(F)(ii). Pub. L. 105-277, §201(4)(A), inserted “and supporting” before “personnel”.

Subsec. (b)(2)(F)(iii). Pub. L. 105-277, §201(4)(B), (C), added cl. (iii).

Subsec. (b)(4)(A). Pub. L. 105-277, §201(5), substituted “a Federal agency” for “an agency” in introductory provisions.

Subsec. (b)(4)(A)(v). Pub. L. 105-277, §201(6), added cl. (v).

1992—Subsec. (b)(2)(B) to (F). Pub. L. 102-484, §1042(1), added subpar. (B) and redesignated former subpars. (B) to (E) as (C) to (F), respectively.

Subsec. (b)(3). Pub. L. 102-484, §1042(2), substituted “paragraph (2)(D)” for “paragraph (2)(C)”.

1989—Subsec. (b)(2)(E). Pub. L. 101-189, §1210, substituted “and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)” for “, the Attorney General, and the Secretary of State, in connection with a law enforcement operation outside the land area of the United States” in introductory provisions.

Subsec. (b)(4)(A)(iii). Pub. L. 101-189, §1216(b), substituted “general note 2 of the Harmonized Tariff Schedule of the United States” for “general headnote 2 of the Tariff Schedules of the United States”.

Subsec. (c). Pub. L. 101-189, §1216(c), substituted “subsection (b)(2)” for “paragraph (2)”.

1988—Pub. L. 100-456 substituted “Maintenance and operation of equipment” for “Assistance by Department of Defense personnel” in section catchline, and amended text generally, revising and restating former subsecs. (a) to (d) as subsecs. (a) to (c).

Subsec. (a)(3). Pub. L. 100-418, which directed substitution of “general note 2 of the Harmonized Tariff Schedule of the United States” for “general headnote 2 of the Tariff Schedules of the United States”, could not be executed because of intervening general amendment by Pub. L. 100-456.

1986—Subsec. (a). Pub. L. 99-570, §3056(a), inserted provision at end relating to assistance that such agency is authorized to furnish to any foreign government which is involved in the enforcement of similar laws.

Subsec. (c). Pub. L. 99-570, §3056(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(1) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used outside the land area of the United States (or any territory or possession of the United States) as a base of operations by Federal law enforcement officials to facilitate the enforcement of a law listed in subsection (a) and to transport such law enforcement officials in connection with such operations, if—

“(A) equipment operated by or with the assistance of personnel assigned under subsection (a) is not used to interdict or to interrupt the passage of vessels or aircraft; and

“(B) the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists.

“(2) For purposes of this subsection, an emergency circumstance may be determined to exist only when—

“(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

“(B) enforcement of a law listed in subsection (a) would be seriously impaired if the assistance described in this subsection were not provided.”

Subsec. (d). Pub. L. 99-661 added subsec. (d).

1984—Subsec. (a)(3). Pub. L. 98-525 struck out “(19 U.S.C. 1202)” after “Tariff Schedules of the United States”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of Title 19, Customs Duties.

FUNDS FOR YOUNG MARINES PROGRAM

Pub. L. 110-116, div. A, title VIII, § 8030, Nov. 13, 2007, 121 Stat. 1321, provided that: “Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ‘Drug Interdiction and Counter-Drug Activities, Defense’ may be obligated for the Young Marines program.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 109-289, div. A, title VIII, § 8028, Sept. 29, 2006, 120 Stat. 1279.

Pub. L. 109-148, div. A, title VIII, § 8033, Dec. 30, 2005, 119 Stat. 2705.

Pub. L. 108-287, title VIII, § 8037, Aug. 5, 2004, 118 Stat. 978.

Pub. L. 108-87, title VIII, § 8037, Sept. 30, 2003, 117 Stat. 1080.

Pub. L. 107-248, title VIII, § 8037, Oct. 23, 2002, 116 Stat. 1544.

Pub. L. 107-117, div. A, title VIII, § 8040, Jan. 10, 2002, 115 Stat. 2256.

Pub. L. 106-259, title VIII, § 8040, Aug. 9, 2000, 114 Stat. 683.

Pub. L. 106-79, title VIII, § 8043, Oct. 25, 1999, 113 Stat. 1240.

Pub. L. 105-262, title VIII, § 8043, Oct. 17, 1998, 112 Stat. 2307.

Pub. L. 105-56, title VIII, § 8047, Oct. 8, 1997, 111 Stat. 1231.

Pub. L. 104-208, div. A, title I, § 101(b) [title VIII, § 8048], Sept. 30, 1996, 110 Stat. 3009-71, 3009-99.

COUNTER-DRUG ACTIVITIES; CONDITIONS ON TRANSFERS OF FUNDS AND DETAILING PERSONNEL; RELATIONSHIP TO OTHER LAW

Pub. L. 103-337, div. A, title X, § 1011(b)-(d), Oct. 5, 1994, 108 Stat. 2836, provided that:

“(b) CONDITION ON TRANSFER OF FUNDS.—Funds appropriated for the Department of Defense may not be transferred to a National Drug Control Program agency account except to the extent provided in a law that specifically states—

“(1) the amount authorized to be transferred;

“(2) the account from which such amount is authorized to be transferred; and

“(3) the account to which such amount is authorized to be transferred.

“(c) CONDITION ON DETAILING PERSONNEL.—Personnel of the Department of Defense may not be detailed to another department or agency in order to implement the National Drug Control Strategy unless the Secretary of Defense certifies to Congress that the detail of such personnel is in the national security interest of the United States.

“(d) RELATIONSHIP TO OTHER LAW.—A provision of law may not be construed as modifying or superseding the provisions of subsection (b) or (c) unless that provision of law—

“(1) specifically refers to this section; and

“(2) specifically states that such provision of law modifies or supersedes the provisions of subsection (b) or (c), as the case may be.”

Pub. L. 116-260, div. C, title VIII, § 8047(a), Dec. 27, 2020, 134 Stat. 1316, provided that: “None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 116-93, div. A, title VIII, § 8047(a), Dec. 20, 2019, 133 Stat. 2348.

Pub. L. 115-245, div. A, title VIII, § 8045(a), Sept. 28, 2018, 132 Stat. 3012.

Pub. L. 115-141, div. C, title VIII, § 8045(a), Mar. 23, 2018, 132 Stat. 475.

Pub. L. 115-31, div. C, title VIII, § 8047(a), May 5, 2017, 131 Stat. 258.

Pub. L. 114-113, div. C, title VIII, § 8046(a), Dec. 18, 2015, 129 Stat. 2362.

Pub. L. 113-235, div. C, title VIII, § 8045(a), Dec. 16, 2014, 128 Stat. 2264.

Pub. L. 113-76, div. C, title VIII, § 8045(a), Jan. 17, 2014, 128 Stat. 115.

Pub. L. 113-6, div. C, title VIII, § 8045(a), Mar. 26, 2013, 127 Stat. 308.

Pub. L. 112-74, div. A, title VIII, § 8045(a), Dec. 23, 2011, 125 Stat. 817.

Pub. L. 112-10, div. A, title VIII, § 8045(a), Apr. 15, 2011, 125 Stat. 67.

Pub. L. 111-118, div. A, title VIII, § 8047(a), Dec. 19, 2009, 123 Stat. 3439.

Pub. L. 110-329, div. C, title VIII, § 8047(a), Sept. 30, 2008, 122 Stat. 3631.

Pub. L. 110-116, div. A, title VIII, § 8048(a), Nov. 13, 2007, 121 Stat. 1325.

Pub. L. 109-289, div. A, title VIII, § 8045(a), Sept. 29, 2006, 120 Stat. 1283.

Pub. L. 109-148, div. A, title VIII, § 8052(a), Dec. 30, 2005, 119 Stat. 2709.

Pub. L. 108-287, title VIII, § 8057(a), Aug. 5, 2004, 118 Stat. 983.

Pub. L. 108-87, title VIII, § 8057(a), Sept. 30, 2003, 117 Stat. 1085.

Pub. L. 107-248, title VIII, § 8058(a), Oct. 23, 2002, 116 Stat. 1549.

Pub. L. 107-117, div. A, title VIII, § 8063(a), Jan. 10, 2002, 115 Stat. 2261.

Pub. L. 106-259, title VIII, § 8062(a), Aug. 9, 2000, 114 Stat. 688.

Pub. L. 106-79, title VIII, § 8065(a), Oct. 25, 1999, 113 Stat. 1244.

Pub. L. 105-262, title VIII, § 8065(a), Oct. 17, 1998, 112 Stat. 2311.

Pub. L. 105-56, title VIII, § 8071(a), Oct. 8, 1997, 111 Stat. 1235.

Pub. L. 104-208, div. A, title I, § 101(b) [title VIII, § 8080(a)], Sept. 30, 1996, 110 Stat. 3009-71, 3009-104.

Pub. L. 104-61, title VIII, § 8096(a), Dec. 1, 1995, 109 Stat. 671.

Pub. L. 103-335, title VIII, § 8154(a), Sept. 30, 1994, 108 Stat. 2658.

ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME

Pub. L. 101-510, div. A, title X, § 1004, Nov. 5, 1990, 104 Stat. 1629, as amended by Pub. L. 102-190, div. A, title X, § 1088(a), Dec. 5, 1991, 105 Stat. 1484; Pub. L. 102-484, div. A, title X, § 1041(a)-(d)(1), Oct. 23, 1992, 106 Stat. 2491; Pub. L. 103-160, div. A, title XI, § 1121(a), (b), Nov. 30, 1993, 107 Stat. 1753; Pub. L. 103-337, div. A, title X, § 1011(a), Oct. 5, 1994, 108 Stat. 2836; Pub. L. 105-261, div. A, title X, § 1021, Oct. 17, 1998, 112 Stat. 2120; Pub. L. 107-107, div. A, title X, § 1021, Dec. 28, 2001, 115 Stat. 1212; Pub. L. 109-364, div. A, title X, § 1021, Oct. 17, 2006, 120 Stat. 2382; Pub. L. 111-383, div. A, title X, § 1015(a), Jan. 7, 2011, 124 Stat. 4347; Pub. L. 112-81, div. A, title X, § 1005, Dec. 31, 2011, 125 Stat. 1556; Pub. L. 113-291, div. A, title X, § 1012, Dec. 19, 2014, 128 Stat. 3483, which authorized the Secretary of Defense, during fiscal years 2012 through 2017, to provide support for the counter-drug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency, was repealed by Pub. L. 114-328, div. A, title X, § 1011(b), Dec. 23, 2016, 130 Stat. 2385. See section 284 of this title.

COMMUNICATIONS NETWORK

Pub. L. 100-456, div. A, title XI, § 1103, Sept. 29, 1988, 102 Stat. 2042, related to integration of United States

assets dedicated to interdiction of illegal drugs into an effective communications network, prior to repeal by Pub. L. 101-189, div. A, title XII, §1204(b), Nov. 29, 1989, 103 Stat. 1564. See section 1204(a) of Pub. L. 101-189 set out as a note under section 124 of this title.

ENHANCED DRUG INTERDICTION AND ENFORCEMENT ROLE FOR NATIONAL GUARD

Pub. L. 100-456, div. A, title XI, §1105, Sept. 29, 1988, 102 Stat. 2047, related to funding and training of National Guard for purpose of drug interdiction and enforcement operations and for operation and maintenance of equipment and facilities for such purpose, prior to repeal by Pub. L. 101-189, div. A, title XII, §1207(b), Nov. 29, 1989, 103 Stat. 1566. See section 112 of Title 32, National Guard.

ADDITIONAL DEPARTMENT OF DEFENSE DRUG LAW ENFORCEMENT ASSISTANCE

Pub. L. 99-570, title III, §3057, Oct. 27, 1986, 100 Stat. 3207-77, provided that the Secretary of Defense was to submit to Congress, within 90 days after Oct. 27, 1986, a list of all forms of assistance that were to be made available by the Department of Defense to civilian drug law enforcement and drug interdiction agencies and a plan for promptly lending equipment and rendering drug interdiction-related assistance included on the list, provided for congressional approval of the list and plan, required the Secretary to convene a conference of the heads of Government agencies with jurisdiction over drug law enforcement to determine the appropriate distribution of the assets or other assistance to be made available by the Department to such agencies, and provided for monitoring of the Department's performance by the General Accounting Office.

§ 275. Restriction on direct participation by military personnel

The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

(Added Pub. L. 97-86, title IX §905(a)(1), Dec. 1, 1981, 95 Stat. 1116, §375; amended Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2045; Pub. L. 101-189, div. A, title XII, §1211, Nov. 29, 1989, 103 Stat. 1567; renumbered §275, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 275, acts Aug. 10, 1956, ch. 1041, 70A Stat. 13; Sept. 2, 1958, Pub. L. 85-861, §1(5)(B), 72 Stat. 1439, related to maintenance of personnel records of members of reserve components, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10204 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 375 of this title as this section.

1989—Pub. L. 101-189 substituted “any activity” for “the provision of any support”, struck out “to any civilian law enforcement official” after “any personnel”, and substituted “a search, seizure, arrest,” for “a search and seizure, an arrest.”

1988—Pub. L. 100-456 amended section generally. Prior to amendment, section read as follows: “The Secretary

of Defense shall issue such regulations as may be necessary to insure that the provision of any assistance (including the provision of any equipment or facility or the assignment of any personnel) to any civilian law enforcement official under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in an interdiction of a vessel or aircraft, a search and seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.”

§ 276. Support not to affect adversely military preparedness

Support (including the provision of any equipment or facility or the assignment or detail of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such support will adversely affect the military preparedness of the United States. The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that the provision of any such support does not adversely affect the military preparedness of the United States.

(Added Pub. L. 97-86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1116, §376; amended Pub. L. 100-456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2045; renumbered §276, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 276, acts Aug. 10, 1956, ch. 1041, 70A Stat. 13; Apr. 21, 1987, Pub. L. 100-26, §7(k)(4), 101 Stat. 284, related to maintenance of mobilization forces, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10207 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 376 of this title as this section.

1988—Pub. L. 100-456 substituted “Support” for “Assistance” in section catchline and amended text generally. Prior to amendment, text read as follows: “Assistance (including the provision of any equipment or facility or the assignment of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such assistance will adversely affect the military preparedness of the United States. The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any such assistance does not adversely affect the military preparedness of the United States.”

§ 277. Reimbursement

(a) Subject to subsection (c), to the extent otherwise required by section 1535 of title 31 (popularly known as the “Economy Act”) or other applicable law, the Secretary of Defense shall require a civilian law enforcement agency to which support is provided under this chapter to reimburse the Department of Defense for that support.

(b)(1) Subject to subsection (c), the Secretary of Defense shall require a Federal agency to which law enforcement support or support to a national special security event is provided by National Guard personnel performing duty under section 502(f) of title 32 to reimburse the Department of Defense for the costs of that support, notwithstanding any other provision of law. No other provision of this chapter shall apply to such support.

(2) Any funds received by the Department of Defense under this subsection as reimbursement for support provided by personnel of the National Guard shall be credited, at the election of the Secretary of Defense, to the following:

(A) The appropriation, fund, or account used to fund the support.

(B) The appropriation, fund, or account currently available for reimbursement purposes.

(c) An agency to which support is provided under this chapter or section 502(f) of title 32 is not required to reimburse the Department of Defense for such support if the Secretary of Defense waives reimbursement. The Secretary may waive the reimbursement requirement under this subsection if such support—

(1) is provided in the normal course of military training or operations; or

(2) results in a benefit to the element of the Department of Defense or personnel of the National Guard providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.

(Added Pub. L. 97–86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1116, §377; amended Pub. L. 100–456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2045; Pub. L. 110–181, div. A, title X, §1061, Jan. 28, 2008, 122 Stat. 319; renumbered §277, Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 277, act Aug. 10, 1956, ch. 1041, 70A Stat. 14, prohibited discrimination in administering laws applicable to both Regulars and Reserves, prior to repeal by Pub. L. 103–337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10209 of this title.

AMENDMENTS

2016—Pub. L. 114–328 renumbered section 377 of this title as this section.

2008—Subsec. (a). Pub. L. 110–181, §1061(1), substituted “Subject to subsection (c), to the extent” for “To the extent”.

Subsecs. (b), (c). Pub. L. 110–181, §1061(2), added subsecs. (b) and (c) and struck out former subsec. (b) which read as follows: “An agency to which support is provided under this chapter is not required to reimburse the Department of Defense for such support if such support—

“(1) is provided in the normal course of military training or operations; or

“(2) results in a benefit to the element of the Department of Defense providing the support that is substantially equivalent to that which would otherwise be obtained from military operations or training.”

1988—Pub. L. 100–456 amended section generally. Prior to amendment, section read as follows: “The Secretary of Defense shall issue regulations providing that reimbursement may be a condition of assistance to a civilian law enforcement official under this chapter.”

§ 278. Nonpreemption of other law

Nothing in this chapter shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law before December 1, 1981.

(Added Pub. L. 97–86, title IX, §905(a)(1), Dec. 1, 1981, 95 Stat. 1116, §378; amended Pub. L. 98–525,

title XIV, §1405(10), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 100–456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2045; renumbered §278, Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 278, act Aug. 10, 1956, ch. 1041, 70A Stat. 14, related to dissemination of information of interest to reserve components, prior to repeal by Pub. L. 103–337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10210 of this title.

AMENDMENTS

2016—Pub. L. 114–328 renumbered section 378 of this title as this section.

1988—Pub. L. 100–456 reenacted section without change.

1984—Pub. L. 98–525 substituted “before December 1, 1981” for “prior to the enactment of this chapter”.

§ 279. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes

(a) The Secretary of Defense and the Secretary of Homeland Security shall provide that there be assigned on board every appropriate surface naval vessel at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures.

(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

(1) as may be agreed upon by the Secretary of Defense and the Secretary of Homeland Security; and

(2) as are otherwise within the jurisdiction of the Coast Guard.

(c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal year to duty under this section. However, if at any time the Secretary of Homeland Security, after consultation with the Secretary of Defense, determines that there are insufficient naval vessels available for purposes of this section, such personnel may be assigned other duty involving enforcement of laws listed in section 374(b)(4)(A)¹ of this title.

(d) In this section, the term “drug-interdiction area” means an area outside the land area of the United States (as defined in section 374(b)(4)(B)¹ of this title) in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.

(Added Pub. L. 99–570, title III, §3053(b)(1), Oct. 27, 1986, 100 Stat. 3207–75, §379; amended Pub. L. 100–456, div. A, title XI, §1104(a), Sept. 29, 1988, 102 Stat. 2045; Pub. L. 107–296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; renumbered §279, Pub. L. 114–328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

REFERENCES IN TEXT

Section 374 of this title, referred to in subsecs. (c) and (d), was renumbered section 274 of this title by Pub. L.

¹ See References in Text note below.

114-328, div. A, title XII, § 1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

PRIOR PROVISIONS

A prior section 279, added Pub. L. 103-160, div. A, title VIII, § 822(d)(1), Nov. 30, 1993, 107 Stat. 1707, authorized acceptance of gratuitous services of officers of reserve components, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§ 1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10212 of this title.

Another prior section 279, added Pub. L. 85-861, § 1(5)(C), Sept. 2, 1958, 72 Stat. 1439; amended Pub. L. 94-273, § 11(2), Apr. 21, 1976, 90 Stat. 378, directed Secretary of Defense to report to President and Congress, in January of each year, on the status of training of each reserve component and the progress made in strengthening the reserve components during the preceding fiscal year, prior to repeal by Pub. L. 95-485, § 406(b)(1).

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 379 of this title as this section.

2002—Subsecs. (a), (b)(1), (c). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1988—Pub. L. 100-456 amended section generally, substituting “every appropriate surface naval vessel” for “appropriate surface naval vessels” in subsec. (a), substituting “section 374(b)(4)(A)” for “section 374(a)(1)” in subsec. (c), and inserting “(as defined in section 374(b)(4)(B) of this title)” in subsec. (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

§ 280. Enhancement of cooperation with civilian law enforcement officials

(a) The Secretary of Defense, in cooperation with the Attorney General, shall conduct an annual briefing of law enforcement personnel of each State (including law enforcement personnel of the political subdivisions of each State) regarding information, training, technical support, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

(b) Each briefing conducted under subsection (a) shall include the following:

(1) An explanation of the procedures for civilian law enforcement officials—

(A) to obtain information, equipment, training, expert advice, and other personnel support under this chapter; and

(B) to obtain surplus military equipment.

(2) A description of the types of information, equipment and facilities, and training and advice available to civilian law enforcement officials from the Department of Defense.

(3) A current, comprehensive list of military equipment which is suitable for law enforcement officials from the Department of Defense or available as surplus property from the Administrator of General Services.

(c) The Attorney General and the Administrator of General Services shall—

(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(3) and to furnish information to

civilian law enforcement officials on the availability of surplus military equipment; and

(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices.

(Added Pub. L. 100-180, div. A, title XII, § 1243(a), Dec. 4, 1987, 101 Stat. 1163, § 380; amended Pub. L. 100-456, div. A, title XI, § 1104(a), Sept. 29, 1988, 102 Stat. 2046; renumbered § 280, Pub. L. 114-328, div. A, title XII, § 1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 280, acts Aug. 10, 1956, ch. 1041, 70A Stat. 14; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(2), 72 Stat. 1564; Sept. 7, 1962, Pub. L. 87-651, title I, § 101, 76 Stat. 506; Sept. 11, 1967, Pub. L. 90-83, § 3(1), 81 Stat. 220; Aug. 17, 1977, Pub. L. 95-105, title V, § 509(d)(3), 91 Stat. 860; Dec. 12, 1980, Pub. L. 96-513, title V, §§ 501(5), 511(10), 94 Stat. 2907, 2920; Oct. 19, 1984, Pub. L. 98-525, title XIV, § 1405(8), 98 Stat. 2622; Dec. 5, 1991, Pub. L. 102-190, div. A, title X, § 1061(a)(3), 105 Stat. 1472, authorized Secretary of each military department and Secretary of Transportation to prescribe regulations, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§ 1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10202 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 380 of this title as this section.

1988—Pub. L. 100-456 amended section generally, substituting provisions relating to annual briefing of law enforcement personnel of each State by Secretary of Defense and Attorney General and establishment of offices and telephone communication with those offices regarding surplus military equipment for provisions requiring the Secretary to report to Congress on the availability of assistance, etc., to civilian law enforcement and drug interdiction agencies and to convene a conference and requiring the Comptroller General to monitor and report on the Secretary's compliance with those requirements.

§ 281. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities

(a) PROCEDURES.—(1) The Secretary of Defense shall establish procedures in accordance with this subsection under which States and units of local government may purchase equipment suitable for counter-drug, homeland security, and emergency response activities through the Department of Defense. The procedures shall require the following:

(A) Each State desiring to participate in a procurement of equipment suitable for counter-drug, homeland security, or emergency response activities through the Department of Defense shall submit to the Department, in such form and manner and at such times as the Secretary prescribes, the following:

(i) A request for equipment.

(ii) Advance payment for such equipment, in an amount determined by the Secretary based on estimated or actual costs of the equipment and administrative costs incurred by the Department.

(B) A State may include in a request submitted under subparagraph (A) only the type

of equipment listed in the catalog produced under subsection (c).

(C) A request for equipment shall consist of an enumeration of the equipment that is desired by the State and units of local government within the State. The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for equipment from units of local government within the State.

(D) A State requesting equipment shall be responsible for arranging and paying for shipment of the equipment to the State and localities within the State.

(2) In establishing the procedures, the Secretary of Defense shall coordinate with the General Services Administration and other Federal agencies for purposes of avoiding duplication of effort.

(b) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—In the case of any purchase made by a State or unit of local government under the procedures established under subsection (a), the Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase.

(c) GSA CATALOG.—The Administrator of General Services, in coordination with the Secretary of Defense, shall produce and maintain a catalog of equipment suitable for counter-drug, homeland security, and emergency response activities for purchase by States and units of local government under the procedures established by the Secretary under this section.

(d) DEFINITIONS.—In this section:

(1) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(2) The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement or emergency response functions as determined by the Secretary of the Interior; or any agency of the District of Columbia government or the United States Government performing law enforcement or emergency response functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

(3) The term “equipment suitable for counter-drug, homeland security, and emergency response activities” has the meaning given such term in regulations prescribed by the Secretary of Defense. In prescribing the meaning of the term, the Secretary may not include any equipment that the Department of Defense does not procure for its own purposes and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security.

(Added Pub. L. 103-160, div. A, title XI, §1122(a)(1), Nov. 30, 1993, 107 Stat. 1754, §381; amended Pub. L. 110-417, [div. A], title VIII,

§885(a), (b)(1), Oct. 14, 2008, 122 Stat. 4560, 4561; renumbered §281, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

PRIOR PROVISIONS

A prior section 281, added Pub. L. 86-559, §1(2)(C), June 30, 1960, 74 Stat. 264; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, provided that certain references in this title to the adjutant general or assistant adjutant general of the National Guard of a jurisdiction be applied to another officer of the National Guard performing the duties of that office, prior to repeal by Pub. L. 103-337, div. A, title XVI, §§1661(a)(2)(A), 1691, Oct. 5, 1994, 108 Stat. 2979, 3026, effective Dec. 1, 1994. See section 10214 of this title.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 381 of this title as this section.

2008—Pub. L. 110-417, §885(b)(1), substituted “Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities” for “Procurement by State and local governments of law enforcement equipment suitable for counter-drug activities through the Department of Defense” in section catchline.

Subsec. (a)(1). Pub. L. 110-417, §885(a)(1), in introductory provisions, struck out “law enforcement” before “equipment” and inserted “, homeland security, and emergency response” after “counter-drug”, in subpar. (A), inserted “, homeland security, or emergency response” after “counter-drug” in introductory provisions and struck out “law enforcement” before “equipment” in cl. (i), in subpar. (C) struck out “law enforcement” before “equipment” wherever appearing, and in subpar. (D) struck out “law enforcement” before “equipment shall”.

Subsec. (c). Pub. L. 110-417, §885(a)(2), struck out “law enforcement” before “equipment” and inserted “, homeland security, and emergency response” after “counter-drug”.

Subsec. (d)(2), (3). Pub. L. 110-417, §885(a)(3), in par. (2) inserted “or emergency response” after “law enforcement” in two places and in par. (3) struck out “law enforcement” before “equipment suitable” and inserted “, homeland security, and emergency response” after “counter-drug” and “and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security” before period at end.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

DEADLINE FOR ESTABLISHING PROCEDURES

Pub. L. 103-160, div. A, title XI, §1122(b), Nov. 30, 1993, 107 Stat. 1755, directed the Secretary of Defense to establish procedures under subsec. (a) of this section not later than six months after Nov. 30, 1993.

§ 282. Emergency situations involving weapons of mass destruction

(a) IN GENERAL.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175, 229, or 2332a of title 18 during an emergency situation involving a weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

(b) **EMERGENCY SITUATIONS COVERED.**—In this section, the term “emergency situation involving a weapon of mass destruction” means a circumstance involving a weapon of mass destruction—

(1) that poses a serious threat to the interests of the United States; and

(2) in which—

(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

(C) enforcement of section 175, 229, or 2332a of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

(c) **FORMS OF ASSISTANCE.**—The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372¹ of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

(d) **REGULATIONS.**—(1) The Secretary of Defense and the Attorney General shall jointly prescribe regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

(i) Arrest.

(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175, 229, or 2332a of title 18.

(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

(e) **REIMBURSEMENTS.**—The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377¹ of this title.

(f) **DELEGATIONS OF AUTHORITY.**—(1) Except to the extent otherwise provided by the Secretary

of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary’s authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

(g) **RELATIONSHIP TO OTHER AUTHORITY.**—Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before September 23, 1996.

(Added Pub. L. 104-201, div. A, title XIV, §1416(a)(1), Sept. 23, 1996, 110 Stat. 2721, §382; amended Pub. L. 105-85, div. A, title X, §1073(a)(6), Nov. 18, 1997, 111 Stat. 1900; Pub. L. 111-383, div. A, title X, §1075(b)(10)(A), (B), Jan. 7, 2011, 124 Stat. 4369; Pub. L. 112-81, div. A, title X, §1089, Dec. 31, 2011, 125 Stat. 1603; renumbered §282, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

REFERENCES IN TEXT

Section 372 of this title, referred to in subsec. (c), was renumbered section 272 of this title by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

Section 377 of this title, referred to in subsec. (e), was renumbered section 277 of this title by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 382 of this title as this section.

2011—Pub. L. 111-383, §1075(b)(10)(B), struck out “chemical or biological” before “weapons” in section catchline.

Subsec. (a). Pub. L. 112-81 struck out “biological or chemical” before “weapon of mass destruction” in introductory provisions.

Pub. L. 111-383, §1075(b)(10)(A), substituted “section 175, 229, or 2332a” for “section 175 or 2332c”.

Subsec. (b). Pub. L. 112-81 struck out “biological or chemical” before “weapon of mass destruction” in two places in introductory provisions.

Subsecs. (b)(2)(C), (d)(2)(A)(ii). Pub. L. 111-383, §1075(b)(10)(A), substituted “section 175, 229, or 2332a” for “section 175 or 2332c”.

1997—Subsec. (g). Pub. L. 105-85 substituted “September 23, 1996” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997”.

MILITARY ASSISTANCE TO CIVIL AUTHORITIES TO RESPOND TO ACT OR THREAT OF TERRORISM

Pub. L. 106-65, div. A, title X, §1023, Oct. 5, 1999, 113 Stat. 747, authorized the Secretary of Defense, upon the request of the Attorney General, to provide assistance to civil authorities in responding to an act of terrorism or threat of an act of terrorism within the United

¹ See References in Text note below.

States, if the Secretary determined that certain conditions were met, subject to reimbursement and limitations on funding and personnel, and provided that this authority applied between Oct. 1, 1999, and Sept. 30, 2004.

§ 283. Situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities

(a) IN GENERAL.—Upon the request of the Attorney General, the Secretary of Defense may provide assistance in support of Department of Justice activities related to the enforcement of section 2332f of title 18 during situations involving bombings of places of public use, Government facilities, public transportation systems, and infrastructure facilities.

(b) RENDERING-SAFE SUPPORT.—Military explosive ordnance disposal units providing rendering-safe support to Department of Justice activities relating to the enforcement of section 175, 229, or 2332a of title 18 in emergency situations involving weapons of mass destruction shall provide such support in a manner consistent with the provisions of section 382¹ of this title.

(c) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly prescribe regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

(2)(A) Except as provided in subparagraph (B), the regulations prescribed under paragraph (1) may not authorize any of the following actions:

(i) Arrest.

(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175, 229, or 2332a of title 18.

(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

(B) Such regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

(ii) The action is otherwise authorized under subsection (a) or under otherwise applicable law.

(d) EXPLOSIVE ORDNANCE DEFINED.—The term “explosive ordnance”—

(1) means—

(A) bombs and warheads;

(B) guided and ballistic missiles;

(C) artillery, mortar, rocket, and small arms ammunition;

(D) all mines, torpedoes, and depth charges;

(E) grenades demolition charges;

(F) pyrotechnics;

(G) clusters and dispensers;

(H) cartridge- and propellant- actuated devices;

(I) electroexplosives devices;

(J) clandestine and improvised explosive devices; and

(K) all similar or related items or components explosive in nature; and

(2) includes all munitions containing explosives, propellants, nuclear fission or fusion materials, and biological and chemical agents.

(Added Pub. L. 114-92, div. A, title X, §1082(a), Nov. 25, 2015, 129 Stat. 1002, §383; renumbered §283, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

REFERENCES IN TEXT

Section 382 of this title, referred to in subsec. (b), was renumbered section 282 of this title by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 383 of this title as this section.

§ 284. Support for counterdrug activities and activities to counter transnational organized crime

(a) SUPPORT TO OTHER AGENCIES.—The Secretary of Defense may provide support for the counterdrug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

(1) in the case of support described in subsection (b), such support is requested—

(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

(B) by the appropriate official of a State, local, or tribal government, in the case of support for State, local, or tribal law enforcement agencies; or

(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government, in coordination with the Secretary of State, that has counterdrug responsibilities or responsibilities for countering transnational organized crime.

(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

(A) preserving the potential future utility of such equipment for the Department of Defense; and

(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

¹ See References in Text note below.

(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.

(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State, local, or tribal law enforcement agency within or outside the United States.

(5) Counterdrug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

(6) The detection, monitoring, and communication of the movement of—

(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

(9) The provision of linguist and intelligence analysis services.

(10) Aerial and ground reconnaissance.

(c) TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

(1) PURPOSES.—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

(A) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.

(B) The establishment (including small scale construction) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

(C) The detection, monitoring, and communication of the movement of—

(i) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

(ii) surface traffic outside the geographic boundaries of the United States.

(D) Establishment of command, control, communications, and computer networks for improved integration of United States Federal and foreign law enforcement entities and United States Armed Forces.

(E) The provision of linguist and intelligence analysis services.

(F) Aerial and ground reconnaissance.

(2) COORDINATION WITH SECRETARY OF STATE.—In providing support for a purpose described in this subsection, the Secretary shall coordinate with the Secretary of State.

(d) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

(e) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 276 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1564)) for the purpose of aiding civilian law enforcement agencies.

(g) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—

(1) ADDITIONAL AUTHORITY.—The authority provided in this section for the support of counterdrug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

(2) EXCEPTION.—Support under this section shall be subject to the provisions of section 275 and, except as provided in subsection (e), section 276 of this title.

(h) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not less than 15 days before providing support for an activity under sub-

section (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

(A) In the case of support for a purpose described in subsection (c)—

(i) the country the capacity of which will be built or enabled through the provision of such support;

(ii) the budget, implementation timeline with milestones, anticipated delivery schedule for support, and completion date for the purpose or project for which support is provided;

(iii) the source and planned expenditure of funds provided for the project or purpose;

(iv) a description of the arrangements, if any, for the sustainment of the project or purpose and the source of funds to support sustainment of the capabilities and performance outcomes achieved using such support, if applicable;

(v) a description of the objectives for the project or purpose and evaluation framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient;

(vi) information, including the amount, type, and purpose, about the support provided the country during the three fiscal years preceding the fiscal year for which the support covered by the notice is provided under this section under—

(I) this section;

(II) section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(III) peacekeeping operations;

(IV) the International Narcotics Control and Law Enforcement program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(V) Nonproliferation, Anti-Terrorism, Demining, and Related Programs;

(VI) counterdrug activities authorized by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85); or

(VII) any other significant program, account, or activity for the provision of security assistance that the Secretary of Defense and the Secretary of State consider appropriate;

(vii) an evaluation of the capacity of the recipient country to absorb the support provided; and

(viii) an evaluation of the manner in which the project or purpose for which the support is provided fits into the theater security cooperation strategy of the applicable geographic combatant command.

(B) In the case of support for a purpose described in subsection (b) or (c), a description of any small scale construction project for which support is provided.

(2) COORDINATION WITH SECRETARY OF STATE.—In providing notice under this subsection for a purpose described in subsection (c), the Secretary of Defense shall coordinate with the Secretary of State.

(3) QUARTERLY REPORTS.—

(A) IN GENERAL.—Not less frequently than once each quarter, the Secretary shall submit to the appropriate committees of Congress a report on Department of Defense support provided under subsection (b) during the quarter preceding the quarter during which the report is submitted. Each such report shall be submitted in written and electronic form and shall include—

(i) an identification of each recipient of such support;

(ii) a description of the support provided and anticipated duration of such support; and

(iii) a description of the sources and amounts of funds used to provide such support;

(B) APPROPRIATE COMMITTEES OF CONGRESS.—Notwithstanding subsection (i)(1), for purposes of a report under this paragraph, the appropriate committees of Congress are—

(i) the Committees on Armed Services of the Senate and House of Representatives; and

(ii) any committee with jurisdiction over the department or agency that receives support covered by the report.

(i) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

(2) The term “Indian tribe” means a Federally recognized Indian tribe.

(3) The term “small scale construction” means construction at a cost not to exceed \$750,000 for any project.

(4) The term “tribal government” means the governing body of an Indian tribe, the status of whose land is “Indian country” as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

(5) The term “tribal law enforcement agency” means the law enforcement agency of a tribal government.

(6) The term “transnational organized crime” means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.

(Added §384 and renumbered §284, Pub. L. 114-328, div. A, title X, §1011(a)(1), title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2381, 2497; amended Pub. L. 116-92, div. A, title XVII, §1731(a)(14), Dec. 20, 2019, 133 Stat. 1813; Pub. L.

116-283, div. A, title X, §1011, Jan. 1, 2021, 134 Stat. 3839.)

REFERENCES IN TEXT

Section 376 of this title, referred to in subsecs. (e) and (g)(2), was renumbered section 276 of this title by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

Section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991, referred to subsec. (f), is section 1206(a) of Pub. L. 101-189, which is set out as a note under section 124 of this title.

Section 375, referred to in subsec. (g)(2), was renumbered section 275 of this title by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

Section 1004 of the National Defense Authorization Act for Fiscal Year 1991, referred to in subsec. (h)(1)(A)(vi)(VI), is section 1004 of Pub. L. 101-510, which was set out as a note under section 374 of this title prior to being repealed by Pub. L. 114-328, div. A, title X, §1011(b), Dec. 23, 2016, 130 Stat. 2385.

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998, referred to in subsec. (h)(1)(A)(vi)(VI), is section 1033 of Pub. L. 105-85, div. A, title X, Nov. 18, 1997, 111 Stat. 1881, which is not classified to the Code.

AMENDMENTS

2021—Subsec. (h)(3). Pub. L. 116-283 added par. (3).

2019—Subsec. (e). Pub. L. 116-92, §1731(a)(14)(A), substituted “section 276” for “section 376”.

Subsec. (f). Pub. L. 116-92, §1731(a)(14)(B), inserted second closing parenthesis after “103 Stat. 1564”.

Subsec. (g)(2). Pub. L. 116-92, §1731(a)(14)(C), substituted “section 275” for “section 375”.

Pub. L. 116-92, §1731(a)(14)(A), substituted “section 276” for “section 376”.

Subsec. (h)(1)(A)(vi)(VI). Pub. L. 116-92, §1731(a)(14)(D), struck out “section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and” after “authorized by”.

2016—Pub. L. 114-328, §1241(a)(2), renumbered section 384 of this title as this section.

DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE ASSISTANCE TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES

Pub. L. 114-92, div. A, title X, §1059, Nov. 25, 2015, 129 Stat. 986, as amended by Pub. L. 116-283, div. A, title X, §1056(a), (b), Jan. 1, 2021, 134 Stat. 3855, provided that:

“(a) AUTHORITY.—

“(1) PROVISION OF ASSISTANCE.—

“(A) IN GENERAL.—The Secretary of Defense may provide assistance to United States Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern land border of the United States in accordance with the requirements of this section.

“(B) REQUIREMENTS.—If the Secretary provides assistance under subparagraph (A), the Secretary shall ensure that the provision of the assistance will not negatively affect military training, operations, readiness, or other military requirements.

“(2) NOTIFICATION REQUIREMENT.—Not later than 7 days after the date on which the Secretary approves a request for assistance from the Department of Homeland Security under paragraph (1), the Secretary shall electronically transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives notice of such approval.

“(b) CONCURRENCE IN ASSISTANCE.—Assistance under subsection (a) shall be provided with the concurrence of the Secretary of Homeland Security.

“(c) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include the following:

“(1) Deployment of members and units of the regular and reserve components of the Armed Forces to the southern land border of the United States.

“(2) Deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern land border of the United States.

“(3) Intelligence analysis support.

“(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense is authorized to deploy such materiel and equipment and logistics support as is necessary to ensure the effectiveness of assistance provided under subsection (a).

“(e) FUNDING.—Of the amounts authorized to be appropriated for the Department of Defense by this Act [see Tables for classification], the Secretary of Defense may use up to \$75,000,000 to provide assistance under subsection (a).

“(f) REPORTS.—

“(1) REPORT REQUIRED.—At the end of each three-month period during which assistance is provided under subsection (a), the Secretary of Defense, in coordination with the Secretary of Homeland Security, shall submit to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives a report that includes, for the period covered by the report, each of the following:

“(A) A description of the assistance provided.

“(B) A description of the Armed Forces, including the reserve components, deployed as part of such assistance, including an identification of—

“(i) the members of the Armed Forces, including members of the reserve components, deployed, including specific information about unit designation, size of unit, and whether any personnel in the unit deployed under section 12302 of title 10, United States Code;

“(ii) the projected length of the deployment and any special pay and incentives for which deployed personnel may qualify during the deployment;

“(iii) any specific pre-deployment training provided for such members of the Armed Forces, including members of the reserve components;

“(iv) the specific missions and tasks, by location, that are assigned to the members of the Armed Forces, including members of the reserve components, who are so deployed; and

“(v) the locations where units so deployed are conducting their assigned mission, together with a map showing such locations.

“(C) A description of any effects of such deployment on military training, operations, readiness, or other military requirements.

“(D) The sources and amounts of funds obligated or expended—

“(i) during the period covered by the report; and

“(ii) during the total period for which such support has been provided.

“(2) FORM OF REPORT.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.”

[Pub. L. 116-283, div. A, title X, §1056(c), Jan. 1, 2021, 134 Stat. 3856, provided that: “The Law Revision Counsel is directed to move section 1059 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 986; 10 U.S.C. 271 note prec.), as amended by this section, to a note following section 284 of title 10, United States Code.”]

CHAPTER 16—SECURITY COOPERATION

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